



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION III
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029

CERTIFIED MAIL
RETURN RECEIPT REQUESTED

JUL 11 2016

Ms. Sharon Postalwait, Administrative Contact
Mount Zion Public Service District
1107 Sand Ridge Road
Millstone, WV 25261

RE: Notice of Violation, Docket No. SDWA-03-2016-025-VS
Mount Zion PSD, Millstone, Calhoun County, West Virginia
PWS ID No. WV3300702

Dear Ms. Postalwait:

The following Notice of Violation is issued pursuant to Sections 1414(a) and 1445 of the Safe Drinking Water Act (SDWA), 42 U.S.C. §§ 300g-3(a) and 300j-4(a), and is a coordinated effort with the West Virginia Department of Health and Human Resources (WVDHHR). According to our records and information received from WVDHHR, your public water system has violated certain provisions of the SDWA, 42 U.S.C. §§ 300f-300j-26, the National Primary Drinking Water Regulations (NPDWR) found at 40 Code of Federal Regulations (CFR) Part 141.

NOTICE OF VIOLATION

FINDINGS

Based on information we possess:

1. Mount Zion Public Service District (Respondent) is the owner/operator of the Mount Zion Public Service District (PSD) public water system (PWS). PWS Identification Number WV3300702 (System). Respondent is a "person" as defined by Section 1401 (12) of the SDWA and 40 C.F.R. § 141.2.
2. The System serves a population of at least twenty-five (25) persons daily with piped water for human consumption for a minimum of sixty (60) days per year, and/or has at least fifteen (15) service connections. Mount Zion PSD is a community water system that serves approximately 1,392 persons.
3. Respondent failed to complete routine monitoring for lead and copper for the 2011-2013 triennial compliance period as required by 40 C.F.R. § 141.86.
4. WVDHHR altered the System's monitoring compliance period from a triennial period to an annual period beginning in 2015. Respondent failed to complete routine monitoring for lead and copper for the 2015 annual monitoring period as required by 40 C.F.R. § 141.86.

5. The System was cited by WVDHHR for several violations from 2013-2015. Respondent failed to notify persons who are served by the System of its monitoring and reporting violations within a year of learning of the violation as required by 40 C.F.R. § 141.204, during the following notification periods:
- a) Failure to provide public notice by May 14, 2015 for failure to complete routine monitoring for measuring chlorine residuals in the distribution system at the same time for which total coliforms are sampled in March 2014.
 - b) Failure to provide public notice by May 31, 2015 for failure to complete routine monitoring for measuring chlorine residuals in the distribution system at the same time for which total coliforms are sampled in April 2014.
 - c) Failure to provide public notice by August 8, 2015 for failure to complete routine monitoring for measuring chlorine residuals in the distribution system at the same time for which total coliforms are sampled in June 2014.
 - d) Failure to provide public notice by November 14, 2014 for failure to complete routine monitoring for lead and copper for the 2011-2013 triennial compliance period.
 - e) Failure to provide public notice by November 14, 2014 for failure to complete quarterly monitoring for Total Trihalomethanes (TTHM) and Haloacetic Acids (HAA5) in the third quarter of 2013.
 - f) Failure to provide public notice by May 7, 2016 for failure to complete quarterly monitoring for Haloacetic Acids (HAA5) in the first quarter of 2015.

The Environmental Protection Agency ("EPA") is available to provide advice and technical assistance to help address the above FINDINGS. Please contact Mr. Kevin Rowsey at 215-814-5463, if you want to request such advice or assistance.

This Notice of Violation is issued pursuant to Section 1414(a) of the SDWA, 42 U.S.C. § 300g-3(a). After thirty (30) days from the date of this notice, EPA is authorized either to issue an Administrative Order under Section 1414(g) requiring the public water system to comply, or to commence a civil action under Section 1414(b). Violations of the SDWA and the regulations are subject to penalties of up to \$37,500 per day of violation.

REQUEST FOR INFORMATION

Section 1445(a) of the SDWA, 42 U.S.C. § 300j-4(a), authorizes EPA to require owners and operators of public water systems to provide information as may be necessary to carry out the purposes of the SDWA.

Pursuant to Section 1445(a) of the SDWA, Respondent is required to provide EPA with the following information. This requirement to submit information is mandatory. Compliance with this requirement does not relieve Respondent of any liability for violations of the SDWA. Respondent may be subject to civil and criminal sanctions if it provides misleading or false information or fails to provide the requested information. Information which Respondent provides may be used by EPA in administrative, civil or criminal proceedings.

You may, if desired, assert a business confidentiality claim covering all or part of the information requested herein in the manner described in 40 C.F.R. Part 2. If no claim of confidentiality accompanies the information requested herein, it may be made available to the public by EPA without further notice to you. This inquiry is not subject to review by the Office of Management and Budget under the Paperwork Reduction Act of 1980, 44 U.S.C. Chapter 35 (See 5 C.F.R. § 1320.3(c)).

The instructions for responding to the inquiries are as follows:

- a. A separate narrative response must be made for each question set forth below, and for any subpart of each question.
- b. Label each response with the corresponding number of the question and any subpart to which it responds.

Accordingly, pursuant to Section 1445(a) of the SDWA, Respondent is directed to provide EPA the following information.

1. Name and street address of the owner or owners of the System. If this is a corporation, provide the names, titles, and addresses of officers. Do not provide a post office box.
2. Name and street address of the operator or operators of the System, and state certification number, if applicable. Do not provide a post office box. If this is a corporation, provide the names, titles, and addresses of officers.
3. The street address of the System, or, if no street address is possible, the physical location of the System. Do not provide a post office box.
4. Number of persons served drinking water by the System per day on average.
5. Number of service connections to the System.
6. State whether the System is operated year-round. If the System is not operated year-round, state the number of days in operation.
7. Copies of all copper and lead monitoring results since November 14, 2013.
8. A copy of the most recently performed sanitary survey for the System.
9. Copies of any public notifications posted or provided to water users, regarding the violations listed in paragraphs 3 through 5 of the Findings.
10. Any existing plans and schedules for monitoring, reporting and public notification.

Your response to this Notice of Violation and Request for Information shall be in writing. Your response is due within thirty (30) days of receipt of this Notice of Violation and Request for Information. You should submit your response to:

Mr. Kevin Rowsey
United States Environmental Protection Agency
Ground Water and Enforcement Branch (3WP22)
1650 Arch Street
Philadelphia, Pennsylvania 19103-2029
rowsey.kevin@epa.gov

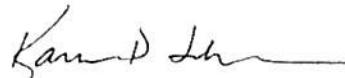
and

Mr. Walter M. Ivey
West Virginia Bureau of Public Health
Office of Environmental Health Services
Environmental Engineering Division
WV Department of Health and Human Resources
350 Capitol Street, Room 319
Charleston, WV 25301-3713

If you have any questions, please call **Kevin Rowsey** at **215-814-5463**.

EPA has determined that your System may be a "small business" under the Small Business Regulatory Enforcement Fairness Act (SBREFA). The enclosed document entitled "Information for Small Businesses" provides information on contacting the SBREFA Ombudsman to comment on federal enforcement and compliance activities and also provides information on compliance assistance. As noted in the enclosure, any decision to participate in such program or to seek compliance assistance does not relieve you of your obligation to respond in a timely manner to an EPA request or other enforcement action, does not create any new rights or defenses under law, and will not affect EPA's decision to pursue this enforcement action. To preserve your legal rights, you must comply with all rules governing the administrative enforcement process. The Ombudsman and fairness boards do not participate in the resolution of EPA's enforcement action.

Sincerely,



Karen D. Johnson, Chief
Ground Water and Enforcement Branch

Enclosures

cc: Mr. Walter M. Ivey, WVDHHR Charleston Office
Ms. Meredith Vance, WVDHHR Charleston Office
Mr. J. D. Douglas, WVDHHR Saint Albans District Office
Mr. Scott Westfall, Calhoun County Commission